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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,341	07/30/2003	Bruce A. Dillman	263 P 026	9302
26952	7590	08/22/2005	EXAMINER	
ROGER H. STEIN 311 S. WACKER DRIVE 53RD FLOOR CHICAGO, IL 60606-6622			HWU, DAVIS D	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	Application No. 10/630,341	Applicant(s) DILLMAN, BRUCE A.	
	Examiner Davis D. Hwu	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-9,12-18 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,12-18 and 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

1. Applicant's amendment and remarks of July 11, 2005 are entered and have been fully considered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Objections***

3. Claim 4 objected to because of the following informalities: it is dependent on a cancelled claim. Appropriate correction is required. Claim 4 will be treated as being dependent on claim 1.

***Claim Rejections - 35 USC § 103***

4. Claims 1, 9, 12, 14, 15, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen.

Poulsen discloses a method for subduing a fire comprising the steps of moving a vehicle supporting a jet engine to a location in front of the fire, operating a jet turbine to draw surrounding ambient air to form an exhaust, directing the exhaust in a desired direction to fight the fire, and forcing fire retardant under pressure into the exhaust of the turbine from a separate retardant supply tank 19. Since the turbine of Poulsen is pivotally mounted on a horizontal axis in order to aim the turbine, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the exhaust can be directed directly at or in front of the front wall of the flames and not above the fire if so desired by an operator. Poulsen discloses using a liquid fire retardant however, one having ordinary skill in the art would recognize that inert

particulate can be used in place of the liquid and that various fire fighting particulates are known to be environment friendly such as sandstone and limestone powders for example. The vehicle and jet engine will be counterbalanced the combination of the vehicle brakes and by mounting the jet engine to a base plate 52 via the bolts 55 in which the engine is adjustably mounted and can be mounted to the bed of a truck.

Regarding the plurality of the fuel tanks and pumps as recited in claim 25, it has been that mere duplication of the essential working parts of a device involves only routine skill in the art.

5. Claims 4-6, 13, 16, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Cottrell et al.

Cottrell et al. teach solid fire extinguishing compositions comprising sand or limestone dust which are effective in extinguishing fires. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used sand or limestone dust as a fire retardant in the device of Poulsen as taught by Cottrell et al. to effectively fight various fires.

6. Claims 7, 8, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of McBride.

McBride teaches a fire fighting method in which either or both water and a second retardant are used to douse the fire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used either or both water and a second retardant to douse the fire as taught by McBride for effectively subduing the fire.

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7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen.

Since the supply of retardant is pressurized, it would have been obvious to one having ordinary skill in the art to use a compressor to pressurize the retardant to force the retardant through the conduit.

8. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Relyea et al.

Relyea et al. teach a fire fighting vehicle comprising a moveable crane boom affixed to a vehicle and a rotatable nozzle 24 attached to the crane. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have placed the nozzle of Poulsen on a crane boom as taught by Relyea et al. to raise the nozzle to required heights to fight fires.

#### ***Response to Arguments***

9. Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive. Poulsen discloses aiming the exhaust above the fire as argued by the applicant as one preferred embodiment, however, this limitation does not preclude an operator from directing the exhaust directly at or in front of the front wall of the flames of the fire since the jet engine is pivotable to direct water or other fire retardant at the fire as desired by an operator. One having ordinary skill in the art would know that in cases of tunnel fires for example, an operator would direct the exhaust directly in front of the fire. Cottrell et al. teaches using limestone dust or fine sand as fire retardants as claimed by the instant invention. Applicant has not claimed using any of the claimed particulates alone, so therefore, any particulate comprising limestone dust or fine sand

meets the claimed limitations regardless of whether they are used alone or mixed with another material.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire ~~THREE~~ MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.



Davis Hwu

DAVIS HWU  
PRIMARY EXAMINER